STATE OF ILLINOIS
LIQUOR CONTROL COMMISSION

AUSTIN KNOOB dba Saluki Bar/Levels Premises Located at: 760 East Grand Ave, Carbondale, IL Appellant, vs. CARBONDALE, IL Appellee.	Case No.: 20APP16 License Number: 1A-1128450 ORDER

ORDER

THIS MATTER having come to be heard before the Liquor Control Commission of the State of Illinois (hereinafter "the Commission") upon the appeal of AUSTIN KNOOB dba Saluki Bar/Levels, Appellant, (hereinafter "Appellant") the Commission being otherwise fully informed a majority of its members do hereby state the following:

Procedural History

Appellant is the holder of local liquor license issued by the City of Carbondale, Illinois, local license number B2-10G, for the property located at 760 East Grand Ave, Carbondale, IL. Appellant is the holder of a Retailer license issued by the Commission, license number 1A-1128450. On or about August 24, 2020, the Carbondale City Attorney filed a Citation and Notice of Hearing in local case number 2020-04, alleging Appellant engaged in conduct which violated the Carbondale Revised Code in relation to the sale and service of alcohol. A hearing was held before Hearing Officer Brad Olson on behalf of the Carbondale Local Liquor Control Commission on September 30, 2020. On October 13, 2020, Hearing Officer Olson issued a report and recommendation to the Carbondale Local Liquor Control Commission. The Carbondale Local Liquor Commission met on October 27, 2020, to hear additional testimony on the case and deliberate the matter. On October 31, 2020, the Carbondale Local Liquor Commission (hereinafter "Appellee") entered an order revoking the local liquor license for Appellant. On November 12, 2020, Appellant filed its appeal with the Commission of the final decision of the Appellee. The matter was continued from time to time. A hearing was held before the Commission on March 23, 2021. Chairman Cynthia Berg and Commissioner Melody Spann-Cooper presided over the hearing. Appellant was represented by attorneys Sean O'Leary and

Michael Wepsiec[1]. Appellee was represented by Analisa Parker. The Commission deliberated the matter on April 21, 2021.

Discussion

Section 7-9 of the Liquor Control Act of 1934 places the statutory responsibility to hear appeals from final orders entered by local liquor commissioners on the Commission. 235 ILCS 5/7-9. If the county board, city council, or board of trustees of the associated jurisdiction has adopted a resolution requiring the review of an order to be conducted on the record, the Commission will conduct an "On the Record" review of the official record of proceedings before the Local Liquor Commission. Id. The Commission may only review the evidence found in the official record. Id. The City of Carbondale has adopted as part of the Carbondale Revised Code an ordinance which requires any appeal from an order of the Local Liquor Commissioner to be a review of the official record. CRC §2-2-3(l) and (J). Accordingly, the Commission will only review the evidence as found in the official record.

In reviewing propriety of the order or action of the local liquor control commissioner, the Illinois Liquor Control Commission shall consider the following questions:

(a) Whether the local liquor control commissioner has proceeded in the manner provided by law;

(b) Whether the order is supported by the findings;

(c) Whether the findings are supported by substantial evidence in the light of the whole record. 235 ILCS 5/7-9.

The Illinois Appellate Court has provided guidance that this Commission's duty is to determine whether local agency abused its discretion. Koehler v. Illinois Liquor Control Comm'n, 405 Ill. App. 3d 1071, 1080, (2010). "Such review mandated assessment of the discretion used by the local authority, stating that "[t]he functions of the State commission, then, in conducting a review on the record of license suspension proceedings before a local liquor control commissioner is to consider whether the local commissioner committed an abuse of discretion. Id.

[1] Appellant was originally represented in this matter by attorney Alfred E. Sanders Jr. Mr. Sanders unexpectedly died on February 13, 2021, after the matter was already set for hearing before the Commission. Appellant was given the opportunity to postpone the hearing but opted to proceed as scheduled with new counsel.

A. Whether the local liquor control commissioner has proceeded in the manner provided by law.

In reviewing the actions of a local liquor commission, the Commission must review whether the local liquor commission used the appropriate process in arriving at its decision. Upon a review of the record in this case, we find that although issues may have existed, Appellee did follow the appropriate procedure and processes. Appellant raises several issues on appeal:

i. Necessity of a Court Reporter and Completeness of the Record

The official record of proceedings in this case should have contained a common law record and a transcript of the proceedings. The common law record includes pleadings, documents, exhibits, and orders entered in the case. Two hearings were held in this case. The evidentiary hearing held before Hearing Officer Olson on September 30, 2020. A sentencing hearing before the Carbondale Local Liquor Control Commission on October 27, 2020. Appellee was unable to produce a transcript for the September 30, 2020 evidentiary hearing. Appellee admits that an error occurred during the recording of the hearing. Appellee was able to produce a transcript made from a recording of the October 27, 2020 hearing before the Carbondale Local Liquor Commission.

In this context, Appellant argues two areas of concern. Firstly, Appellant argues the that Appellee has not proceed in the manner provided by law in that Appellee did not present this Commission with an official record taken and prepared by a certified shorthand reporter. Appellee admits that it did not utilize the services of a court reporter at the hearings. Secondly, Appellant argues that even if the Commission were to accept transcripts made from a recording, no record exists at all of the September 30, 2020 evidentiary hearing. Both of Appellant's arguments are rooted in Appellant's interpretation of Section 7-9 of the Liquor Control Act. 235 ILCS 5/7-9. Section 7-9 states in pertinent part: "If such resolution is adopted, a certified official record of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter..." Appellant contends that the transcript must be prepared by a certified shorthand reporter prepared in a contemporaneous manner and therefore the Commission should be barred from reviewing the decision and the only outcome should be a reversal of the local liquor commission's decision.

The City of Carbondale has adopted as part of the Carbondale Revised Code an ordinance which requires any appeal from an order of the Local Liquor Commissioner to be a review of the

official record. CRC §2-2-3(l) and (J). The Commission acknowledges that a court reporter was not present to take a contemporaneous transcription of either hearing. A recording was made of the second hearing. Following the filing of this appeal, a court reporter subsequently transcribed the hearing and prepared the transcript for which the Commission could review. A transcription of the record was made available to the Commission.

Furthermore, the fact that no transcript exists for the September 30, 2020 evidentiary hearing is harmless error.[2] As previously mentioned, the record is not only the transcript of the hearings. It also includes the pleadings, exhibits, and orders. One of those exhibits is an agreed admission of facts. In the stipulated agreement, both Appellant and Appellee agreed to waived their rights to a hearing. Additionally, both parties stipulated that Appellant was open and serving alcohol from June 4, 2020-June 8, 2020. This exhibit in it of itself could have been the basis for the decision even without holding a hearing. Although a transcript of the hearing would have been preferable, a hearing was not necessary and was stipulated to by the parties. Therefore, the lack of transcript is harmless error.

In fact, this Commission and the Illinois Appellate court has already decided this issue. In Carbondale, Ill., Local Liquor Control Comm'n v. Illinois Liquor Control Comm'n, 84 Ill. App. 3d 325, 405 N.E.2d 433 (1980), the Commission reviewed an order issued by the Local Liquor Commissioner for the City of Carbondale, IL which lacked a transcript or record of proceeding. The Commission determined that since no transcript existed a de novo hearing should be held. The Appellate Court affirmed this decision. However, that Carbondale case differs from the present case for two reasons. In the Carbondale case from 1980, the Liquor Control Act included an option to hold a De Novo review when the record was not kept. That language has been removed from the Liquor Control Act. As such, the only remedy in this matter would be reversal of the order and not a De Novo hearing before the Commission. In the Carbondale case from 1980 no record was kept in any form. In this case, the Appellee recorded the hearing, ordered a transcript prepared by a certified shorthand reporter, and has complied with the record requirement.

Additionally, this Commission has recently ruled on this specific issue in the case of Stretch's Bar and Grill Corporation v. Waukegan, 19CA02 (November 13, 2020). In Stretch's as

[2] Appellant and Appellee devote considerable ink to discussions regarding the submission of a bystander report in lieu of a transcript to the Commission. An agreed bystander report could have been submitted, however, at no point did the Commission require such a submission. Therefore, no weight is given to these discussions.

here, no contemporaneous transcript was taken, however, a transcript was prepared from the recording for this Commission to review and we ruled that this transcript satisfied the official record of proceedings requirement.

Accordingly, the Commission finds that Appellee complied with the "On the Record" requirement and the record presented is sufficient to conduct a review.

ii. Timeliness of Filing the Record

Appellant argues the Section 7-9 of the Liquor Control Act requires the local liquor commission to file the official record of proceedings within five days of the filing of the appeal. Appellant contends that the Commission should reverse the decision of Appellee because Appellee did not timely file the official record of proceedings.

Appellant's contentions are baseless. There is no denying that Appellee did not file the official record of the proceedings within five days. However, Appellee seems to ignore what immediately follows in the Liquor Control Act and the Illinois Administrative Code. Section 7-9 of the Liquor Control Act states in pertinent part:

> …a certified official record of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter shall be filed by the local liquor control commissioner within **5 days after notice of the filing of such appeal, if the appellant licensee pays for the cost of the transcript." 235 ILCS 5/7-9. (emphasis added).**

Furthermore, the Illinois Administrative code states in pertinent part:

> **(b)** In all cases where an appeal is to be heard upon the record, a certified official record of the proceedings taken and prepared by a certified court reporter, along with all exhibits, shall be filed by the local liquor control commissioner within 5 days after notice of the filing of the appeal, if the appellant licensee pays for the transcript and five additional copies. The failure to file the certified official record of the proceedings before the local liquor control commissioner**, without sufficient written explanation**, shall result in the appeal not being docketed for hearing, as originally scheduled, or as continued by the Commission.
>
> (h) The inability of any party to comply with the foregoing requirements shall be detailed in written communication to the Commission. 11 Ill. Admin. Code. 100.350. (emphasis added)

Additionally, the Carbondale Revised Code requires that the licensee pay for the transcript upon filing of an appeal. CRC §2-2-3(l)

Both Appellant and Appellee admit to having engaged in extensive dialogue regarding the official record including payment for that record. This issue in it of itself relieves Appellee of the requirement to submit the record within the required five days. Appellee must be satisfied that it has received full payment for the record.

Furthermore, the Administrative Code provides the Commission with the latitude to deviate from the proscribed deadlines as it deems appropriate. Appellee provided the Commission with a explanation as to the delay. The Commission received a copy of the official record within the time it deemed appropriate, therefore, the timeliness is not a basis to reverse the decision of Appellee.

iii. Structure of the Carbondale Local Liquor Commission

Appellant argues that the structure of the Carbondale Local Liquor Control Commission violates the Carbondale form of government. The essence of Appellant's argument is that Carbondale is a home rule community which operates under a managerial form of government pursuant to 65 ILCS 5/3—6. As a managerial form of government, the city council's powers are limited to legislative powers and do not involve administrative duties as well.

The Liquor Control Act places the authority to serve as the local liquor commissioner in the hands of the mayor of each city. 235 ILCS 4-2. However, the Liquor Control Act does not limit the ability to serve as the local liquor commissioner to the mayor. The Liquor Control Act expressly contemplates the appointment of others as a local liquor control commission. Section 4-6 of the Liquor Control Act states: "When, in this Act, the local liquor control commissioner shall be referred to, it shall include any committee or other agency appointed by such local liquor control commissioner." 235 ILCS 5/4-6. As such, there is no problem if a separate committee is formed to serve as the local liquor regulatory authority. The Carbondale Revised Code created the Carbondale Local Liquor Control Commission. The Commission is made up of the mayor and those City Council members who have not applied for or hold a Class A local liquor license. CRC §2-2-1. Appellant argues that since there is an overlap between the local liquor commission and the City Council, this violates the managerial form of government and therefore, the local liquor control commission has no authority.

Appellant's contentions are beyond the scope of the authority of this Commission to review. An administrative agency is limited to the powers granted to it by the legislature, and any actions it takes must be authorized by statute. *Vuagniaux v. Department of Professional Regulation,* 208 Ill.2d 173, 186, 280 Ill.Dec. 635, 802 N.E.2d 1156 (2003). An agency "has no general or common law authority." *Vuagniaux,* 208 Ill.2d at 186, 280 Ill.Dec. 635, 802 N.E.2d 1156. "Any power or authority claimed by an administrative agency must find its source within the provisions of the statute by which the agency was created. The agency's authority must either arise from the express language of the statute or 'devolve by fair implication and intendment from the express provisions of the [statute] as an incident to achieving the objectives for which the [agency] was created.' " *Vuagniaux,* 208 Ill.2d at 187–88, 280 Ill.Dec. 635, 802 N.E.2d 1156 (quoting *Schalz v. McHenry County Sheriff's Department Merit Comm'n,* 113 Ill.2d 198, 202–03, 100 Ill.Dec. 553, 497 N.E.2d 731 (1986)). "The issue of an administrative body's authority presents a question of law and not a question of fact. The determination of the scope of the agency's power and authority is a judicial function and is not a question to be finally determined by the agency itself." *County of Knox ex rel. Masterson v. The Highlands, L.L.C.,* 188 Ill.2d 546, 554, 243 Ill.Dec. 224, 723 N.E.2d 256 (1999).

Furthermore, a municipal enactment, adopted under statutory authority, enjoys a presumption of validity. *City of Decatur v. Chasteen,* 19 Ill.2d 204, 210, 166 N.E.2d 29 (1960). Nevertheless, the due process clause prohibits the arbitrary, unreasonable, and improper use of municipal power. *City of Decatur,* 19 Ill.2d at 210, 166 N.E.2d 29. Thus, to overcome the presumption of validity, the party challenging the municipal enactment must show by clear and affirmative evidence that the ordinance is arbitrary, capricious, or unreasonable; that there is no permissible interpretation of the enactment that justifies its adoption; or that the enactment will not promote the safety and general welfare of the public. *City of Decatur,* 19 Ill.2d at 210, 166 N.E.2d 29. Stated conversely, every municipal enactment must be free from the constitutional infirmities described above. Thus, a municipality's duty to act in the public interest derives not from a legislative pronouncement but from the due process clause of the constitution itself. See *City of Decatur,* 19 Ill.2d at 210–11, 166 N.E.2d 29.

The Commission may rule on matters which fall within the scope of the Liquor Control Act. However, Appellee is asking the Commission to rule on the validity of an ordinance. A ruling on the validity of an ordinance falls outside of the scope of the Liquor Control Act.

Accordingly, we must presume that the ordinance which creates the Carbondale Local Liquor Control Commission is valid.

B. Whether the order is supported by the findings;

In reviewing, whether the order is supported by the findings, this Commission will analyze whether the findings contained within the order constitute grounds to suspend, revoke, or fine the license. Upon review, an agency's findings of fact are held to be prima facie true and correct, and they must be affirmed unless the court concludes that they are against the manifest weight of the evidence." Daley v. El Flanboyan Corp., 321 Ill. App. 3d 68, 71, (2001). We take guidance from Administrative Review Law jurisprudence. At this stage we will limit our review to whether the local liquor commissioner's order to the factual findings, and whether these findings support the imposed sanctions. Id.

The final order adopts the Hearing Officer's Report and Recommendation which goes into extensive detail outlining the facts at issue. However, the final order amends the findings by revoking the license instead of the disciplinary action recommended by the Hearing Officer. Accordingly, when viewed on its own the order is supported by the findings.

C. Whether the findings are supported by substantial evidence in the light of the whole record.

Finally, this Commission must review whether the findings are supported by substantial evidence in the light of the whole record. We find that findings are supported by substantial evidence in light of the whole record.

The Illinois Appellate Court has ruled that as a reviewing body, the issue is not whether the reviewing court would decide upon a more lenient penalty were it initially to determine the appropriate discipline, but rather, in view of the circumstances, whether this court can say that the commission, in opting for a particular penalty, acted unreasonably or arbitrarily or selected a type of discipline unrelated to the needs of the commission or statute. Jacquelyn's Lounge, Inc. v. License Appeal Comm'n of City of Chicago, 277 Ill. App. 3d 959, 966, (1996). The findings of the local commissioner are presumed to be correct and will not be disturbed unless contrary to the manifest weight of the evidence. Soldano v. State of Ill. Liquor Control Comm'n, 131 Ill. App. 3d 10, 13 (1985). It is the function of the commissioner to determine the credibility of witnesses and the weight accorded their testimony. Id. Additionally, the courts have found that

the question of revocation of a liquor license "presents a peculiarly local problem which can be best solved by the respective local commissioners who, because of their proximity to and familiarity with the situation, have greater access to information from which an intelligent determination can be made. That determination should not be disturbed in the absence of a clear abuse of discretion" Weinstein v. Daley, 85 Ill.App.2d 470, 481–82 (1967). Further the courts have found that, "in cases of this kind, we, and the Circuit Court, and the License Appeal Commission are all required to accept the judgment of the Local Commissioner as to the credibility of the witnesses. It is only he, as the trier of the facts, who is authorized to assess credibility, weigh the evidence, reconcile conflicting evidence, if possible, and, if not possible, determine which witnesses are worthy of belief. Dugan's Bistro, Inc. v. Daley, 56 Ill. App. 3d 463, 470–71 (1977).

Prior to reviewing specific arguments raised by Appellant, we will review the factual basis found in the record and the order. On or about August 24, 2020, the City Attorney's Office for the City of Carbondale filed charges against Appellant. Appellant was charged with knowingly refusing to close pursuant to the order of the Local Liquor Commission Chairman in violation of Section 2-2-3(B) of the Carbondale Revised Code and subject to the penalties found in Section 2-5-2(A) of the Carbondale Revised Code. Appellant was further charged with operating without a valid liquor license in violation of Section 2-4-1(A) of the Carbondale Revised Code for the period of June 4-June 8, 2020. LLC Notice and Citation. Appellant filed a written answer to the complaint denying the allegations in the citation and raising several affirmative defenses. An evidentiary hearing was scheduled for September 30, 2020.

Prior to the evidentiary hearing on September 24, 2020, Appellant and Appellee entered into a stipulated agreement. As part of the agreement, Appellant and Appellee agreed that Appellee was open and serving alcohol during the regular business hours of 3 PM to 2 AM on June 4-8, 2020. We take notice that the Chairman of the Carbondale Liquor Control Commission issued an order on June 4, 2020, summarily suspending Appellee's license for the period of June 4-8, 2020. That order is presumed valid. There were no factual issues raised during the hearing. All parties agreed Appellant was open and operating during the suspension period. The issues raised at the hearing focused on two areas. The first was whether Appellant was properly served with the notice of the summary suspension. The second was whether Appellee had met the requirements as found in Section 2-2-3(B) of the Carbondale Revised Code to summarily

suspend Appellant's license. The Hearing Officer found that the summary suspension order was properly served upon Appellant and that the June 4, 2020, summary suspension order was a valid exercise of authority.

The Carbondale Local Liquor Commission met on October 27, 2020 to hear additional testimony, argument, and to deliberate the matter. The Carbondale Local Liquor Control Commission opted following extensive deliberation and argument from the attorneys to revoke Appellant's license for the violation of operating while suspended.

Additionally, although Appellee utilizes the services of a Hearing Officer to conduct the evidentiary hearings, the decision of the Hearing Officer is not the final decision. In multiple locations within the Carbondale Revised Code, the decision of the hearing officer can be relied upon to close a case without submitting the order to the Carbondale Local Liquor Commission. CRC 2-2-3(C) and (E). The Carbondale Revised Code places the ultimate decision-making authority in the Local Liquor Commission. CRC 2-2-3(F). The Carbondale Local Liquor Commission is free to reject the findings and recommendations made by the Hearing Officer.

In this matter, Appellee is the finder of fact. Appellee had the opportunity to review the evidence and weigh the credibility of the testimony and the arguments presented. The underlying violation is a simple violation, did Appellant continue to operate despite the fact that it had received an order of suspension from the local liquor commissioner? The answer to that question is undeniably, yes. The local liquor commission understands its community and it is not our place, absent an abuse of discretion, to upset that decision. Accordingly, we find that the findings are supported by substantial evidence in light of the whole record.

Appellant presents two arguments in its brief as to why the evidence was not sufficient. The first is that Appellant was erroneously charged. The second is that Appellant was not properly served with notice of the summary suspension. We will review each question separately.

i. Whether Appellee charged Appellant correctly

Appellant contends that the initial notice and citation which charged Appellee with operating in violation of the summary suspension was erroneously charged. Appellant contends that it was charged with a violation of Section 2-4-1 of the Carbondale Revised Code. Section 2-4-1 states in pertinent part: "License Required: No person shall sell, or offer for sale, possess or display for sale within the corporate limits of the city, any alcoholic liquor without first obtaining

a license from the local liquor control commission." Appellant contends that this section only applies to an individual or business who never held a license. However, a business who previously held a license or who's license was suspended would not fall under this provision.

Firstly, we note that this issue was never presented before the local liquor commission and therefore it should be deemed waived. Secondly, even if the issue would have been properly raised, it is not a basis for reversal.

Illinois Courts have ruled "Procedural due process does not require that the charges or complaint in an administrative proceeding be drawn with the same precision, refinements, or subtleties as pleadings in a judicial proceeding. Rather, the charge need only reasonably advise the respondent as to the charges so that he or she will intelligently be able to prepare a defense." *Siddiqui v. Illinois Dept. of Professional Regulation*, 07 Ill.App.3d 753, Ill. App. 4 Dist., 1999. A fundamental principle of statutory construction is to view all provisions of a statutory enactment as a whole. Accordingly, words and phrases should not be construed in isolation, but must be interpreted in light of other relevant provisions of the statute. *Southern Illinoisan v. Illinois Dept. of Public Health,* 218 Ill.2d 390 at 415. (2006). A court will interpret an administrative regulation in the same manner as it would interpret a statute. *Arellano v. Department of Human Services*, 402 Ill.App.3d 665 at 673 (2010). The Illinois Supreme Court has set forth rules for interpreting statutes. The Illinois Supreme Court has held, "It is well established that the primary objective of this court when construing the meaning of a statute is to ascertain and give effect to the legislature's intent. *Boaden v. Department of Law Enforcement,* 171 Ill.2d 230, 237, 215 Ill.Dec. 664, 664 N.E.2d 61 (1996). In determining the intent of the legislature, we begin with the language of the statute, the most reliable indicator of the legislature's objectives in enacting a particular law. *Nottage v. Jeka,* 172 Ill.2d 386, 392, 217 Ill.Dec. 298, 667 N.E.2d 91 (1996). The statutory language must be given its plain and ordinary meaning, and, where the language is clear and unambiguous, we must apply the statute without resort to further aids of statutory construction. *Davis v. Toshiba Machine Co., America,* 186 Ill.2d 181, 184–85, 237 Ill.Dec. 769, 710 N.E.2d 399 (1999). One of the fundamental principles of statutory construction is to view all provisions of an enactment as a whole. Words and phrases should not be construed in isolation, but must be interpreted in light of other relevant provisions of the statute. *Antunes v. Sookhakitch,* 146 Ill.2d 477, 484, 167 Ill.Dec. 981, 588 N.E.2d 1111 (1992). In construing a statute, courts presume that the General Assembly, in the enactment of legislation, did not intend

absurdity, inconvenience, or injustice. *Harris v. Manor Healthcare Corp.*, 111 Ill.2d 350, 362–63, 95 Ill.Dec. 510, 489 N.E.2d 1374 (1986)." *Michigan Ave. Nat. Bank v. County of Cook*, 191 Ill.2d 493 (2000). Statutes should not be construed in a way that would defeat the statute's purpose or yield an absurd or unjust result. *Phoenix Bond & Indemnity Co. v. Pappas,* 194 Ill.2d 99, 107 (2000).

Appellant is clearly aware from the written language of the citation of what he is being charged with. Appellant enters into a written stipulation that the conduct occurred. The only concern is whether the conduct is legally a violation. Furthermore, if Appellant's argument would be granted it would create an absurdity in that an unlicensed individual or entity could be held accountable for selling alcohol without first obtaining a license, while an individual or entity who's license has been suspended could continue to operate despite the suspension. Accordingly, we find Appellant's claim without merit.

ii. Whether service of the Summary Suspension Order was proper

Appellant's final issue raised is that Appellant was never legally served with the summary suspension order and therefore he was never legally advised to cease operations. The Commission takes notice of the fact that Austin Knoob is the sole-proprietor owner of the establishment. There is no disagreement that the summary suspension order was not served on Austin Knoob the individual. Instead it was served on the manager on duty at the business premises. Appellant contends that since Austin Knoob is an individual, it would not have been legally sufficient to serve the manager on duty at his business but that he should have been served directly.

Appellant cites to the Code of Civil Procedure as the basis for its claim that service as improper. The Code of Civil Procedure require that individuals either be served personally or at their usual place of abode by leaving a copy with a member of the family over the age of 13. 735 ILCS 5/2-203. Appellant argues that the business location does not qualify as his usual place of abode nor does serving the on-duty manager qualify as serving a "family" member.

Illinois courts have ruled that a "secretary" at the business of one being served constitutes proper service on a family member. It must also be pointed out that the fact that process was served upon the "secretary on duty" does not invalidate such service upon defendant, even if the secretary was an employee of the company other than defendant. A-Z Equip. Co. v. Moody, 88 Ill. App. 3d 187, 190, 410 N.E.2d 438, 441 (1980). 'Such statutes, presuppose that such a

relation of confidence exists between the person with whom the copy is left and defendant that notice will reach defendant; they assume that such person will deliver the process or copy to defendant or in some way give him notice thereof.'' Sanchez v. Randall, 31 Ill. App. 2d 41, 49, 175 N.E.2d 645, 649 (Ill. App. Ct. 1961)

Furthermore, the courts have ruled that the business address of an individual can be an appropriate place of service. City of Chicago Through Dep't of Fin. v. Sommerfeld, 2020 IL App (1st) 180855, ¶ 91.

Additionally, in the context of a liquor license, there is no question which address to send service. Appellant holds a liquor license. Liquor licenses may be issued to individuals or incorporated entities. However, liquor licenses are only issued for a particular address. Section 7-14 of the Liquor Control Act expressly states: "Licenses issued hereunder apply only to the premises described in the application and in the license issued thereon, and only one location shall be so described in each license." As such, although an individual may be the named party, the case would revolve around the licensed premises. Accordingly, the premises would be an appropriate location for service. Furthermore, the Carbondale Revised Code Section 2-2-3(H) permits the issuance of an order by the Carbondale Local Liquor Commission to be transmitted via United States Mail to the licensee. The appropriate address for the licensee would be the licensed premises. Accordingly, we find that service was proper.

Accordingly, we find that the findings of fact are supported by substantial evidence in the light of the whole record.

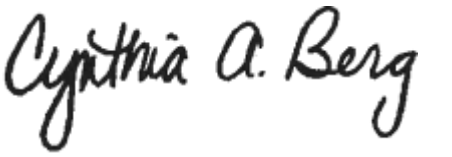
IT IS HEREBY ORDERED:

For the reasons stated herein, the decision of the Carbondale Local Liquor Commission revoking the B2-10G local liquor license for AUSTIN KNOOB dba Saluki Bar/Levels, located at 760 East Grand Ave, Carbondale, IL is affirmed.

Furthermore, pursuant to Section 7-6 of the Liquor Control Act, 235 ILCS 7-6, the State of Illinois Retailer license, number 1A-1128450, issued to AUSTIN KNOOB dba Saluki Bar/Levels, located at 760 East Grand Ave, Carbondale, IL is hereby REVOKED.

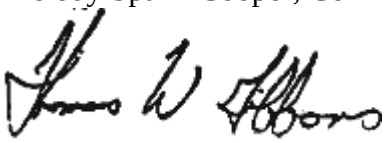
Pursuant to 235 ILCS 5/7-10 of the Illinois Liquor Control Act, a Petition for Rehearing may be filed with this Commission within twenty (20) days from the service of this Order. The date of mailing is deemed to be the date of service. If no Petition for Rehearing is filed, this order will be considered the final order in this matter. If the parties wish to pursue an Administrative Review action in the Circuit Court, the Petition for Rehearing must be filed within twenty (20) days after service of this Order as such the Petition for Rehearing is a jurisdictional prerequisite to filing an Administrative Review action.

ENTERED before the Illinois Liquor Control Commission at Chicago, Illinois, on May 27, 2021.

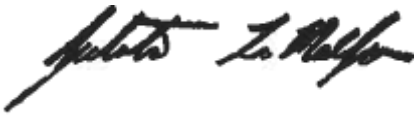


Cynthia Berg, Chairman

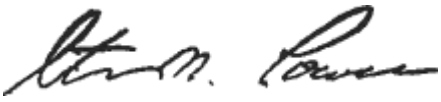
Melody Spann Cooper, Commissioner



Thomas Gibbons, Commissioner

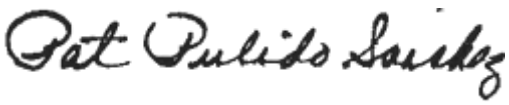


Julieta LaMalfa, Commissioner



Steven Powell, Commissioner

Donald O'Connell, Commissioner



Patricia Pulido Sanchez, Commissioner

STATE OF ILLINOIS)
COUNTY OF COOK) 20APP16

UNDER PENALTY OF PERJURY, as provided by law, section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused copies of the foregoing ORDER to be e-mailed by agreement of the parties prior to 5:00 p.m. on the following date: May 27, 2021.

Abraham Zisook

AUSTIN KNOOB dba Saluki Bar/Levels
C/O Attorneys Sean O'Leary and Michael Wepsiec
sean.oleary@olearylpgroup.com
mlwepsiecjd@yahoo.com

Carbondale Local Liquor Commission
C/O Attorenys Jamie Snyder and Analisa Parker
jsnyder@explorecarbondale.com
aparker@explorecarbondale.com